THE MYSORE CODE

REGULATIONS

PASSED

SUBSEQUENT TO THE RENDITION.

REGULATION No. I of 1883.

The Mysore Civil Courts Regulation, 1883.

WHEREAS it is expedient to consolidate and amend the law relating to the constitution, powers and jurisdiction of the Civil Courts in the territories of Mysore subordinate to the Court of the Chief Judge of Mysore; His Highness the Maharaja is pleased to enact as follows :— Preamble

1. This Regulation may be called " The Mysore Civil Courts Regulation, 1883." Short title.

It extends to the whole of the territories of Mysore; Local extent.

And it shall come into force on the 1st day of July 1883. Commencement

2. From and after that day, the Notification of the Government of India, No. 235 I. J., Foreign Department, dated Simla, the 27th of August 1879, shall be repealed. Rules repealed.

3. Besides the Court of the Chief Judge of Mysore, which shall hereafter be styled "The Chief Court of Mysore," there shall be three classes of Civil Courts, namely— Class and designation of Courts.

1stly. The District Court.

2ndly. The Court of the Subordinate Judge.

3rdly. The Court of the Munsiff.

4. (*a*) The number of District Courts and of the Courts of Subordinate Judges and Munsiffs shall be fixed, and may, from time to time, be altered by the Government of Mysore. Number of Courts.

(*b*) The place at which every such Civil Court shall be held shall be fixed, and may, from time to time, be altered by the Locality of Courts.

Government of Mysore.

Appointment of Judges.

(*c*) The Judge of every such Civil Court shall be appointed by the Government of Mysore, provided that the appointment of a Munsiff shall be made only upon nomination by the Chief Court of Mysore.

[a] Provided further that in emergent cases, *i.e.*, in the event of the death of a Munsiff, or of his being suspended, or incapacitated by illness or otherwise for the performance of his duties, the Chief Court may, pending the orders of Government, to which a report shall be made in that behalf, fill up the vacancy thus caused temporarily by appointing such person as it thinks fit to act in such office.[a]

Seal of Court.

(*d*) Every such Civil Court shall use a seal of such form and dimensions as are, for the time being, prescribed by the Government of Mysore. The seal now used by every such Civil Court shall be deemed to have been prescribed under this section.

Local jurisdiction of Courts.

5. The Government of Mysore may fix, and may from time to time alter, the local limits of the jurisdiction of a District Court or of the Court of a Subordinate Judge or Munsiff. The present local limits of the jurisdiction of every such Court shall be deemed to have been fixed under this Regulation.

Jurisdiction of District Court.

6. The jurisdiction of the District Court shall extend, subject to the rules contained in the Code of Civil Procedure, to all original suits and proceedings of a civil nature.

Principal Civil Court in District.

7. The District Court shall be deemed to be the principal Civil Court of original jurisdiction within the local limits of its jurisdiction.

Control of Subordinate Courts in District.

8. The District Court shall, subject to the general control of the Chief Court of Mysore, have control over all Civil Courts within the limits of its local jurisdiction.

Jurisdiction of Subordinate Judge.

9. The jurisdiction of a Subordinate Judge shall extend to all original suits and proceedings of a civil nature, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 5,000.

Power to enhance Subordinate Judge's jurisdiction up to Rs. 10,000, or without limit.

[b] Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may from time to time prescribe, enhance the pecuniary limit of such jurisdiction up to Rs. 10,000, [b] [c] or invest any Subordinate Judge with jurisdiction without any limit as to amount or value of the subject matter [c].

[a-a] This proviso was added to clause (c) of section 4 by Regulation VI of 1894, s. 1.

[b-b] This proviso was added to section 9 by Regulation II of 1898., s1.

[c-c] These words were added to the proviso to section 9 by Regulation III of 1901, s. 1.

Sections 10-14.

10. The jurisdiction of a Munsiff shall extend to all like suits and proceedings, not otherwise exempted from his jurisdiction, of which the amount or value of the subject-matter does not exceed Rs. 1,000. Jurisdiction of Munsiff.

[a] Provided that the Government of Mysore may, whenever it deems fit, and within such local limits as it may, from time to time, prescribe, enchance the pecuniary limit of such jurisdiction up to Rs. 2,500. [a] Power to enhance Munsiff's jurisdiction up to Rs. 2,500.

11. When the subject-matter of any suit or proceeding is land, a house or a garden, its value shall, for the purposes of the jurisdiction conferred by this Regulation, be fixed in manner provided by [b] the Court Fees Regulation, 1900, Section 4, Clause 5. [b] Valuation of suits.

12. Appeals from the decrees and orders passed in original suits and proceedings by a District Court shall, when such appeals are allowed by law, lie to the Chief Court of Mysore. Appeal from District Court.

13. Appeals from the decrees and orders passed by a Subordinate Judge in original suits and proceedings shall, when such appeals are allowed by law, lie to the Chief Court of Mysore, except when the amount or value of the subject-matter of the original suit or proceeding does not exceed Rs. 3,000, in which case the appeal shall lie to the District Court having local jurisdiction. Appeal from Subordinate Judge.

14. Appeals from the decrees and orders of a Munsiff in original suits and proceedings shall, when such appeals are allowed by law, lie to the District Court having local jurisdiction. Appeal from Munsiff.

Provided that such District Court may refer any such appeal for disposal to any Subordinate Judge within the limits of its local jurisdiction.

[c] And provided further that, notwithstanding anything contained in Section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the Government may, from time to time, by notification in the official Gazette, direct that appeals from the decrees and orders of a Munsiff or Munsiffs within an area to be specified in such notification shall lie direct to any such Subordinate Judge. [c]

[a-a] This proviso was added to section 10 by Regulation II of 1898, s. 2.

[b-b] Substituted for "The Court Fees Act 1870, section 7, class 5, *vide* General Clauses Regulation 1899, s. 8.

[c-c] This further proviso was added to section 14 by Regulation III of 1901, s. 2.

Second Appeals.

15. A second appeal from a decree or order passed by a District Court or by the Court of a Subordinate Judge in an appeal suit or proceeding shall, when such appeal is allowed by law, lie to the Chief Court of Mysore.

Small Cause powers.

16. The Government of Mysore may, by notification in the *Mysore Gazette*, invest, within such local limits as it shall from time to time appoint, any [a] District Judge or [a] Subordinate Judge or other officer specially selected by it, with the jurisdiction of a Court of Small Causes, for the trial of suits cognizable by such Court, up to any amount not exceeding Rs. 500;

and any Munsiff, with the same jurisdiction, up to any amount not exceeding Rs. 50;

and it may, by like notification, withdraw or alter the jurisdiction so vested.

Law applicable to questions of succession, &c.

17. Where in any suit or proceeding it is necessary for any Court under this Regulation to decide any question regarding succession, inheritance, marriage or caste, or any religious usage or institution,

(*a*) the Muhammadan law in cases where the parties are Muhammadans, and the Hindu Law in cases where the parties are Hindus, or

(*b*) any custom (if such there be) having the force of law and governing the parties or property concerned,

shall form the rule of decision, unless such law or custom has, by legislative enactment, been altered or abolished.

(*c*) In cases where no specific rule exists, the Court shall act according to justice, equity and good conscience.

Refund of half fee in unco ntested cases

[b] **17.** A. Whenever any suit or appeal instituted in any Court of original or appellate jurisdiction is disposed of without contest, by agreement of parties, the Court shall, on the application of the plaintiff or appellant, grant a certificate to him authorizing him to receive back from the Deputy Commissioner half the amount of fee paid on the plaint or memorandum of appeal:

Provided that the said application is made within six months of the date when the judgment or final order was passed.

In all such cases, the party ordered to pay costs, shall be charged only with half the amount of the institution fee.

[a-a] These words in section 16 were inserted by Regulation V of 1892, s. 1

[b] Section 17 A was inserted by Regulation II of 1898, s. 3.

Judge not to try suits in which he is interested,

18. No Judge shall try any suit to, or in, which he is a party or personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit.

or appeals from his decrees passed in another capacity.

No Judge shall try any appeal against a decree or order passed by himself in another capacity.

When any such suit, proceeding or appeal comes before any such Judge, he shall report the circumstances to the Court to which he is immediately subordinate.

The superior Court shall thereupon dispose of the case in the manner prescribed by the Code of Civil Procedure, section 25.

Suspension or removal of Judges.

19. Any District Judge, Subordinate Judge or Munsiff may, for any misconduct, be suspended or removed by the Government of Mysore.

Suspension or removal of Munsiffs.

20. The Chief Court may suspend any Munsiff for any alleged misconduct, and may either itself enquire into such alleged misconduct, or appoint a commission for enquiring thereinto.

On the completion of such enquiry held by itself, or on receiving the report of the commission appointed to conduct such enquiry, the Chief Court may, if it thinks fit, and subject to the confirmation of Government, remove the Munsiff from office, or suspend him, or reduce him to a lower grade.

Appointment, &c., of ministerial officers.

21. The ministerial officers of every Court shall be appointed, and may be suspended or removed, by the Judge of that Court. The orders of appointment, suspension or removal passed by Subordinate Judges and Munsiffs shall be subject to the approval of the District Court, and the orders of appointment to, and suspension and removal from, offices the monthly salary of which exceeds Rs. 50, when passed by a District Court, shall be subject to confirmation by the Chief Court of Mysore. Every appointment to a ministerial office shall be made subject to such rules as the Government of Mysore, from time to time, prescribes in this behalf.

Vacation.

22. The Chief Court of Mysore may permit the Civil Courts under its control to adjourn, from time to time, for periods not exceeding in the aggregate six weeks in each year in addition to public holidays authorized by the Government of Mysore.